

**OKLAHOMA STATE BOARD OF OSTEOPATHIC EXAMINERS
QUARTERLY MEETING MINUTES**

June 19, 2014

DATE OF MEETING June 19, 2014

PLACE OF MEETING Oklahoma Board of Osteopathic Examiners
4848 N. Lincoln
Oklahoma City, OK

MEMBERS PRESENT Jay D. Cunningham, D.O.
Gordon P. Laird, D.O.
C. Michael Ogle, D.O.
Carl B. Pettigrew, D.O.
Catherine C. Taylor, J.D.
Katie Templeton, J.D.
LeRoy E. Young, D.O.

MEMBERS ABSENT Dennis J. Carter, D.O.

ALSO PRESENT Christi Aquino, *Board of Osteopathic Examiners*
Brittney Bennett, *Board of Osteopathic Examiners*
Christopher Blaisdell, D.O.
Deborah J. Bruce, J.D., *Board of Osteopathic Examiners*
Larry Carter, *OBND*
Susan Fennimore, *DNR Reporting*
James E. Frasier, J.D.
Nancy Galloway, *OHPP*
Brandon Gambill, *Board of Osteopathic Examiners*
Daniel Gamino, J.D., *Board Legal Advisor*
Warren Gotcher, J.D.
Dustin O. Hayes, D.O.
Eric Hogan, D.O.
Kari Hogan, D.O.
Trenton Horst, D.O.
Corinne Kilbury
Merlin Kilbury, M.D., *OHPP*
Sandra LaVenue, *OBND*
Joshua Livingston, D.O.
Marty McBee, D.O.
Lynette McLain, *OOA*
Richard A. Mildren, J.D., *Board Prosecuting Attorney*
John Musilla, D.O.
Jan Preslar, J.D., *Office of Attorney General*
Rodney Turner, *Board of Osteopathic Examiners*
Robert Westcott, M.D., *OHPP*
Michael Whinery, D.O.
Richard Zimmer, *Board of Osteopathic Examiners*
General Public

PRESIDING: C.B. Pettigrew, D.O. *President*

1. CALL TO ORDER & ESTABLISH QUORUM

C.B. Pettigrew, D.O., *President*, called the meeting to order at 9:00 a.m. and announced that a quorum was established.

2. APPROVAL OF MINUTES

Dr. Pettigrew asked the members of the Board if they had reviewed the minutes from the Quarterly Board Meeting of March 20, 2014 and asked for any additions, corrections or deletions to the minutes.

Dr. Cunningham moved to approve the minutes of the March 20, 2014 Quarterly Board Meeting as submitted.
Dr. Young seconded the motion.

Dr. Pettigrew called for the votes on the motion to approve the minutes and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, abstain; Dr. Young, yes.

The motion passed.

3. REPORTS

A. EXECUTIVE DIRECTOR REPORT

On behalf of the Board, Deborah Bruce thanked Dr. Young for again providing donuts for the meeting. Ms. Bruce also made housekeeping announcements and introduced Brittney Bennett new Admin Tech for the Agency. Ms. Bruce announced receipt of the FSMB Annual report and distributed copies. Ms. Bruce also announced that 1851 D.O.'s had renewed their licenses as of this morning representing 70% renewals completed.

B. BUDGET

Mr. Turner submitted the monthly Summary of Income and Expenses to the Board. Dr. Pettigrew asked if there was further discussion.

Ms. Taylor moved to accept the budget report.
Dr. Laird seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

4. PRESENTATION – OFFICE OF ATTORNEY GENERAL

Jan Preslar, Assistant Attorney General, Chief, General Counsel Section made a presentation on legal services available from the Oklahoma Attorney General's Office. Following the presentation, Board Members asked questions and discussed items covered by Ms. Preslar.

5. PROBATION APPEARANCES

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Michael Whinery, D.O.

Dr. Pettigrew called the matter of Michael Whinery, D.O. to order. Dr. Whinery appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Whinery's progress while on probation. Chief Investigator, Richard Zimmer, also reported on Dr. Whinery's compliance.

No motion was made.

Trenton F. Horst, D.O.

Dr. Pettigrew called the matter of Trenton F. Horst, D.O. to order. Dr. Horst appeared in person without counsel. Dr. Robert Westcott of OHPP appeared and reported on Dr. Horst's progress while on probation. Chief Investigator, Richard Zimmer, also reported on Dr. Horst's compliance.

No motion was made.

John Musilla, D.O.

Dr. Pettigrew called the matter of John Musilla, D.O. to order. Dr. Musilla appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Musilla's progress while on probation. Chief Investigator, Richard Zimmer, also reported on Dr. Horst's compliance.

No motion was made.

Joshua J. Livingston, D.O.

Dr. Pettigrew called the matter of Joshua J. Livingston, D.O. to order. Dr. Livingston appeared in person without counsel. Chief Investigator, Richard Zimmer, reported on Dr. Livingston's compliance with his Board Order.

No motion was made.

Christopher Scott Blaisdell, D.O.

Dr. Pettigrew called the matter of Christopher Scott Blaisdell, D.O. to order. Dr. Blaisdell appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Blaisdell's progress while on probation. Chief Investigator, Richard Zimmer, also reported on Dr. Horst's compliance.

<p>Dr. Cunningham moved to go into executive session. Dr. Ogle seconded the motion.</p>

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and all staff, visitors and guests left the room.

Dr. Cunningham moved to come out of executive session.
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Cunningham moved to remove all prescribing restrictions against the license of Dr. Blaisdell; to remove all prescription reporting requirements; and to leave in place all other terms and conditions of previous orders of the Board.
Dr. Ogle seconded the motion.

Dr. Pettigrew called for the votes on the motion and a roll call.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, abstain; Ms. Templeton, abstain; Dr. Young, yes.

The motion passed.

6. APPLICANTS FOR LICENSURE – NOT APPEARING

The Board reviewed one hundred thirty four (134) applicant licensure files and one (1) application for re-issuance of license.

Dr. Young moved to grant the request of the one hundred thirty four (134) applicants and the one application for re-issuance to practice osteopathic medicine in the state of Oklahoma, pending completion of their licensure files satisfactory to Board Staff.
Dr. Laird seconded the motion.

Dr. Cunningham called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

7. LICENSURE MATTERS

Request for name change

Dr. Pettigrew asked the Board to consider the request for a name change of the following:

Annie Gharapetian, D.O. to **Annie Cacy, D.O.**

Claire Elizabeth Lukeman, D.O. to **Claire Lukeman Mattocks, D.O.**

Chelsea Rose Edwards, D.O. to **Chelsea Rose Risinger, D.O.**

Leslie Shannon Little, D.O. to **Leslie Shannon Staubus, D.O.**

Dr. Cunningham moved to grant the request for name change of Annie Gharapetian, D.O. to **Annie Cacy, D.O.**; Claire Elizabeth Lukeman, D.O. to **Claire Lukeman Mattocks, D.O.**; Chelsea Rose Edwards, D.O. to **Chelsea Rose Risinger, D.O.** and Leslie Shannon Little, D.O. to **Leslie Shannon Staubus, D.O.**

Dr. Ogle seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Request for Exemption from OAC 510:10-4-3 (6)

Oklahoma Department of Corrections, William A. Cooper, D.O., requested to add more mid-level practitioners to cover state prisons. The Board, by consensus, requested more information before addressing this request. They instructed the staff to invite Dr. Cooper to their next meeting.

8. PRECEPTOR APPEARANCES

(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Eric Flegel, D.O.

Dr. Pettigrew called the matter of Eric Flegel, D.O. to order. Dr. Flegel appeared in person without counsel. Dr. Merlin Kilbury of OHPP appeared and reported on Dr. Flegel's progress during his Preceptorship. Chief Investigator, Richard Zimmer, also reported.

Dr. Young moved to approve termination of the Preceptorship of Dr. Eric Flegel, D.O., returning his license to full, active and unrestricted.
Ms. Taylor seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Bobby J. Thompson, D.O.

Dr. Pettigrew called the matter of Bobby J. Thompson, D.O. to order. Dr. Thompson did not appear. He requested in writing the Board consider termination of his Preceptorship. Chief Investigator, Richard Zimmer and Ms. Bruce reported on Dr. Thompson's Preceptorship.

Dr. Ogle moved to approve termination of the Preceptorship of Dr. Bobby J. Thompson, D.O., returning his license to full, active and unrestricted.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

9. APPLICANTS FOR LICENSURE – APPEARANCES
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Adam Hall, D.O.

Dr. Pettigrew called the matter of Adam Hall, D.O. to order. Dr. Hall appeared in person requesting the Board consider granting him licensure.

Ms. Taylor moved to table consideration of the application for licensure pending resolution of the issues Dr. Hall has with the Ohio Board of Medicine and receipt of a report from his Florida physician.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

10. HEARING DOCKET
(Daniel Gamino, J.D. swore in all respondents and witnesses.)

Michael H. Tollett, D.O.

Dr. Pettigrew recognized Richard Mildren, prosecuting Attorney for the Board, of Riggs, Abney, Neal, Turpen, Orbison & Lewis. Mr. Mildren announced that the Hearing for Michael Tollett, D.O. would be continued until resolution of the appeal to the District Court of Stephens County.

David Moon, D.O.

Mr. Mildren also announced the countenance of the Hearing on David Moon, D.O. pending action by the Oklahoma Supreme Court.

Eric Hogan, D.O.

Dr. Pettigrew again recognized Richard Mildren, prosecuting Attorney for the Board. Mr. Mildren submitted an Interim Agreed Order concerning Dr. Erick Hogan for the Board's approval.

Dr. Laird moved to approve the Interim Agreed Order of Dr. Eric Hogan. The Order provides that Dr. Hogan is to return for further orders of the Board following an assessment at the Professional Renewal Center in Lawrence, Kansas.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dustin O'Leath Hayes, D.O.

Dr. Pettigrew recognized Richard Mildren, prosecuting Attorney for the Board. Dr. Hayes appeared in person accompanied by his attorney, James E. Frasier. The hearing commenced. Witnesses and exhibits were presented by both petitioner and respondent. Board Members asked questions of each witness and perused each exhibit.

Ms. Taylor moved to go into Executive Session.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and all visitors and staff exited the room.

Ms. Taylor moved to come out of Executive Session.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

Dr. Laird moved to find that all allegations contained in the complaint against Dustin O. Hayes, D.O. were proven by clear and convincing evidence.
Dr. Young seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed

Dr. Cunningham moved to impose as sanctions all provisions of items 1, 3 and 4 of the Acumen Report on Dr. Hayes with the exception of the polygraph requirement. The requirements are ongoing for the next twelve (12) months. Dr. Hayes is to contract with OHPP for five years. The Board Staff is charged with the responsibility to monitor compliance of Dr. Hayes with the Board's order. Dr. Hayes is to communicate regularly with and is to send all reports to Board Staff. All regular terms and conditions of the Board's orders are to be included in this Order.
Ms. Taylor seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed

11. OLD BUSINESS

1. Board consideration of CME requirement on proper prescribing prior to licensure is tabled.
2. Board consideration of Opioid Prescribing regulation is tabled.
3. Dr. Young's report on the 2014 legislative session is also tabled until September.
4. The Board considered the requirement by OMES to pay for Shared Services.

Dr. Young moved to approve one (1) year of shared services with OMES.
Dr. Laird seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, abs; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

5. The Board considered sharing physician data with the Medical Board for convenience in credentialing. The user view of the website data would be the Osteopathic Board.

Dr. Young moved to approve sharing osteopathic physician data with the Medical Board's data base for credentialing purposes.
Dr. Laird seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, abs; Dr. Laird, yes; Dr. Ogle, abs; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

6. The committee report on the formulary guidelines was tabled until September.
7. Dr. Laird reported on the FSMB annual meeting and encouraged anyone who has not attended in the past to attend next April when the meeting will be in Fort Worth.
8. Ms. Bruce reported that the Audit of the Agency by the State Treasurer's office was ongoing and should be concluded with a final report for the September meeting.
9. Ms. Bruce reported that planning meetings were ongoing for the programs funded by the FSMB Foundation for REMS programs.

10. NEW BUSINESS

1. The Board reviewed the Board & Staff Activities & Honors information.
2. The Board reviewed a letter from the Holmes Organization regarding Telemedicine Guidelines. No motion was made. However, the Board requested the Staff determine the status of the Medical Board rule on face to face for the September Board Meeting. In addition, the Board is interested in the requirements for security at the OHCA for Medicaid.
3. The Board considered allowing Core Transactions (electronic fund transfers) to pay for license renewals. The Board Staff supported allowing the process.

Dr. Cunningham moved to approve allowing EFT for license renewals.
Dr. Laird seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

4. President Pettigrew appointed a committee to consider acquisition of video equipment and electronic Board materials. The committee consists of Dr. Carter, Ms. Templeton and Ms. Bruce.

12. ELECTION OF OFFICERS

Ms. Taylor moved to retain the current officers for another year. Dr. Pettigrew, President, Dr. Cunningham, Vice-President, Dr. Young, Secretary/Treasurer
Dr. Ogle seconded the motion.

Dr. Pettigrew called for a roll call vote on the motion.

The roll call/votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, abstain; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed.

14. EXECUTIVE SESSION

The Board did not go into the announced Executive Session.

15. ADJOURNMENT

Dr. Young moved to adjourn the June 19, 2014 Regularly Scheduled Board Meeting.
Dr. Laird seconded the motion.

Dr. Pettigrew called for the votes to approve the motion.

The votes were: Dr. Carter, abs; Dr. Cunningham, yes; Dr. Laird, yes; Dr. Ogle, yes; Dr. Pettigrew, yes; Ms. Taylor, yes; Ms. Templeton, yes; Dr. Young, yes.

The motion passed and the meeting was adjourned at 4:30 p.m.